IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 1578 OF 2006

Paras M. Patil (Jain) ... Petitioner

Vs.

Sou. Archana P. Patil (Jain)... Respondent

Mr. S. U. Dhakephalkar, Advocate for the Petitioner.

Mr. S. S. Punde, Advocate for the Respondent.

CORAM : V.C. DAGA, J.

DATE : AUGUST 28, 2006.

P. C.

. Heard the learned counsel for the Petitioner. During the course of hearing, the learned counsel for the Petitioner produced the income-tax returns. The income tax return for the year 2004-2005 shows the income of the Petitioner of Rs. 51,378 and income tax return of the Petitioner for the year 2005-2006 shows his income of Rs. 55,875/-. The income-tax clearance produced during the course of hearing shows business turn over of the petitioner ranging from Rs. 10 lakhs to Rs. 8 lakhs. The registration certificate of the Sales Tax Department dated 28th June,2006 shows that the Petitioner is proprietor of M/s. Linkwell Enterprises, which is engaged

in business of Reseller/Importer of Electrical & Electronic Computer, Epabx, Fax, Copier, Spares & Communications. It is thus, clear that looking to the income of the Petitioner, the impugned order can be sustained. The judicial note of the fact can always be taken that while disclosing the income to the Income Tax Authorities,there is a tendency to suppress real income from the Department. Thus, taking over all view of the matter, no case is made out to interfere with the impugned order. The petition stands dismissed.

2. The material produced on record is retained. Needless to mention that whatever amount is deposited by the Peitioner in the Trial Court, the Respondent is entitled to withdraw the same.

[V. C. DAGA, J.]